

USEPA/OECA/OC  
State and Tribal Assistance Grant (STAG) 2001-2002  
South Carolina: Predicting Future Compliance from Past Performance  
Proposal  
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**FY 2002 Enforcement and Compliance Assurance Agreements**

**US EPA Office of Compliance Assurance and Enforcement**

**US EPA Region 4**

**South Carolina Department of Health and Environmental Control**

**WORK PLAN**

*November 15, 2002*

Project Title:

Predicting Future Compliance from Past Performance: A Methodology for Targeting Compliance Assurance and Enforcement Activities

Project Goals:

- Develop and test a priority-setting methodology that will ultimately allow the agency to free up resources from areas that are currently being adequately controlled and to redirect those resources to address identified priorities.
- Incorporate this methodology into a strategy for engaging in joint planning with EPA to set priorities and to ensure that they are consistent with and reflective of the agency's media program requirements, resources, and activities.
- Share results with EPA and sister states in Region 4 to cultivate a better understanding of state-specific and regional priorities, and to jointly leverage federal and state resources to address them.

Work Plan:

YEAR 1.

*Within 1 month of the Grant Award –*

1. Establish grant account.
2. Identify targeted geographic area and project staff.

*(The project will be conducted in Appalachia II and Appalachia III Environmental Quality Control districts. The two districts are located in the I-85 industrial corridor in the upper part of South Carolina. The districts are comprised of Greenville,*

*Pickens, Spartanburg, Cherokee and Union Counties. The districts were selected based on NPDES permit data, enforcement orders issued for NPDES violations, and district office capability. Project staff will include a project coordinator from SCDHEC central office and a District Manager from the wastewater program in the Appalachia II District office.)*

*Within 3 months of the Grant Award –*

1. Solicit and award contract for research and development of methodology.
  - (1) Identify local, university-based expertise
  - (2) Develop and award grant for services

*(In consultation with state's procurement office, it is anticipated that a government agency to government agency contract known as an MMO 136 will be used to enter into an agreement for services with a local university with expertise in the desired field of study. The scope of work will include a literature review ( key research words: environmental performance; environmental leadership; environmental economics), NPDES, enforcement and other data review, interviews with key members of agency and regulated community, and development of the methodology.)*

*Within 12 months of the Grant Award --*

1. Develop methodology using identified facilities with NPDES permits.
  - (3) Consult with members of the SC Environmental Excellence program and the USEPA National Environmental Performance Track program regarding identification of environmental and non-environmental factors that may be indicative of positive environmental performance.
  - (4) Identify environmental data (both positive and negative) to be used. These may include discharge monitoring reports, past inspection reports, issuance of notices of violations and enforcement orders against the facility.
  - (5) Identify non-environmental factors (both positive and negative) to be used. These may include such factors as: presence of an active environmental management system; use of a community advisory group; participation in voluntary leadership programs; continuity in corporate ownership; and capital improvements or facility upgrades.
  - (6) Identify facility information and environmental data available in an electronic format versus information that must be obtained through a file review.
  - (7) Determine a weighting system or rank ordering process for the identified factors.
  - (8) Test the methodology on a sample of identified facilities, and finalize the method based on the small-scale test.
2. Apply the methodology against the identified NPDES permit holders in targeted geographic area.
  - (1) Identify common denominators (factors) consistent among the highest performing facilities.
  - (2) Identify common denominators (factors) or lack of certain factors consistent among the lowest performing facilities.

- (3) Check results against the field experience and knowledge of the district compliance assurance and enforcement staff for consistency.
- (4) Review results with members of the SC Environmental Excellence program and the USEPA National Environmental Performance Track program for their comments.

## YEAR 2.

1. Based upon methodology, target “at risk” facilities for compliance assistance.
  - (5) Develop compliance assistance strategies to encourage facilities to adopt changes to improve their environmental performance based upon the environmental and non-environmental factors most commonly found in the best performing facilities.
  - (6) Provide compliance assistance to lowest performing facilities identified by the methodology.
2. Share Project Results with EPA and Region 4 states.
  - (7) At appropriate forums with EPA Region 4, share project results and their potential for developing joint planning strategies to set state and regional priorities.
  - (8) At appropriate forums with other Region 4 states, share project results their potential for assisting in the development of state and regional priorities.
  - (9) Share project progress and final results through quarterly reports and a final report to EPA.

### *Project Measures:*

1. The project’s success will be based on the completion of the methodology, and the feasibility of using it to identify at-risk facilities for compliance assistance and as a tool for priority-setting for compliance assurance and enforcement activities.
2. A quantitative measure of the project’s success will be the number of at-risk facilities identified under the methodology and of those the number receiving compliance assistance. A qualitative measure of the project’s success will be the number of facilities that make behavioral changes (both regulatory and non-regulatory) because of the compliance assistance and information received.
3. The project’s success will also be measured by the extent to which SCDHEC, Region 4 states, and EPA meet to share project results, discuss individual and joint priorities, and engage in meaningful dialogue to further opportunities to engage in joint planning with EPA and with other Region 4 states.